

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MARLENE HOPKINS, Individually, as
Wrongful Death Heir, and as Successor-in-
Interest to NORMAN HOPKINS, JR.,
Deceased; and MICHELLE HOPKINS, and
MICHAEL HOPKINS, as Legal Heirs of
NORMAN HOPKINS, Deceased, THE
FLINTKOTE COMPANY, THE OFFICIAL
COMMITTEE OF THE ASBESTOS
PERSONAL INJURY CLAIMANTS, and
JAMES J. MCMONAGLE as the LEGAL
REPRESENTATIVE FOR FUTURE
ASBESTOS PERSONAL INJURY
CLAIMANTS,

Plaintiffs,

C. A. No. 06-298 (JJF)

VS.

PLANT INSULATION COMPANY;)
 UNIROYAL HOLDING, INC.; IMPERIAL)
 TOBACCO CANADA LIMITED;)
 SULLIVAN & CROMWELL LLP; and)
 DOES 1 through 100,)

Defendants.

**IMPERIAL TOBACCO CANADA LIMITED'S
MOTION TO EXCEED PAGE LIMIT**

Defendant, Imperial Tobacco Canada Limited (“ITCAN”), by its undersigned counsel, hereby moves for leave of Court pursuant to Local Rule 7.1.3(a)(4) to exceed the page limit for its reply brief in support of its Emergency Petition of Imperial Tobacco Canada Limited For An Order Of Transfer Pursuant To 28 U.S.C. § 157(b)(5) (the “Petition”). The grounds for this motion are as follows:

1. On or about May 5, 2006, ITCAN filed an 18 page opening brief in support of the Petition (Docket No. 3).

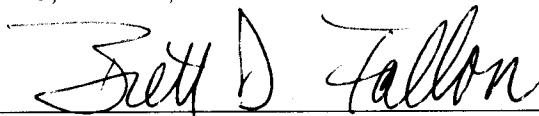
2. On or about May 19, 2006, The Flintkote Company ("Flintkote") filed Debtor's Opposition To Emergency Petition of Imperial Tobacco Canada Limited For An Order Of Transfer Pursuant to 28 U.S.C. § 157(B)(5) (Docket No. 17) (the "Answering Brief"). In the Answering Brief, Flintkote spends a little more than 12 pages discussing all of the relevant facts and the issues related to transfer under § 157(b)(5). However, Flintkote then spends 25 pages of the Answering Brief arguing abstention for the first time. Abstention is typically raised by separate motion and was not addressed at all by ITCAN's original motion, petition or brief.

3. Under this Court's rules, reply briefs are typically limited to 20 pages. However, such a rule contemplates that a movant is only replying to issues raised in response to points raised in the original motion and briefing. However, by raising and arguing for abstention for 25 pages for the first time in the Answering Brief, Flintkote has, in essence, moved for abstention. ITCAN respectfully requests that it be permitted to file a 40 page reply brief, the amount normally allotted for an answering brief. The additional pages are necessary in order for ITCAN to fully and fairly respond to the Answering Brief raising abstention for the first time.

WHEREFORE, ITCAN respectfully requests that the Court enter the attached order permitting ITCAN to file a reply brief not to exceed 40 pages.

Dated: May 24, 2006

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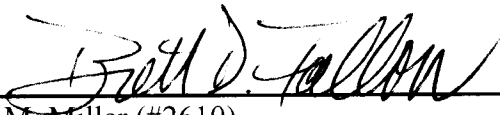
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STATEMENT PURSUANT TO D. DEL. LR 7.1.1

On Wednesday, May 24, 2006, at various times, I called and spoke to James E. O'Neill, III and Laura Davis Jones, Debtor's counsel, to discuss ITCAN's Motion to Exceed Page Limit (the "Motion"). As of the filing of the Motion, Mr. O'Neill informed me that Debtor has not taken a position. Therefore, at this point, we are treating the Motion as opposed but will promptly inform the Court if Debtor does agree to or does not oppose the Motion.

Dated: May 24, 2006

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ORDER

The Court, having considered Imperial Tobacco Canada Limited's ("ITCAN") Motion to Exceed Page Limit, and good cause having been shown, it is hereby ORDERED that ITCAN's Motion is GRANTED, and ITCAN's Reply Brief in Support of Their Petition for an Order of Transfer Pursuant to 28 U.S.C. § 157(b)(5) shall not exceed 40 pages.

Dated: May ___, 2006

Judge

**IN THE UNITED STATES DISTRICT COURT
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Defendants.

Civil Action No. 06-298 (JJF)

AFFIDAVIT OF REBECCA WORKMAN, PARALEGAL

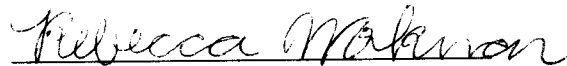
STATE OF DELAWARE :
: SS:
NEW CASTLE COUNTY :

I, Rebecca Workman, certify that I am, and at all times during the service, have been an employee of Morris, James, Hitchens & Williams LLP, not less than 18 years of age and not a party to the matter concerning which service was made. I certify further that on May 24, 2006, I caused to be served:

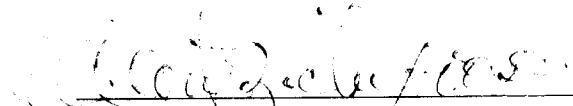
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Service was completed upon parties on the attached list in the manner indicated thereon.

Date: May 24, 2006.


Rebecca Workman

SWORN AND SUBSCRIBED before me this 24th day of May, 2006.


NOTARY

THOMAS J. ZICKEL COBB
Notary Public - State of Delaware
My Comm. Expires Feb 21, 2007

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